



Docket No.: 01946/100B035-USC  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Andrea LEONE-BAY, et al.

Application No.: 10/617,266

Art Unit: 1654

Filed: July 9, 2003

Examiner: Jeffrey E. RUSSEL

For: COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS

**DECLARATION PURSUANT TO 35 U.S.C. § 103(C)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

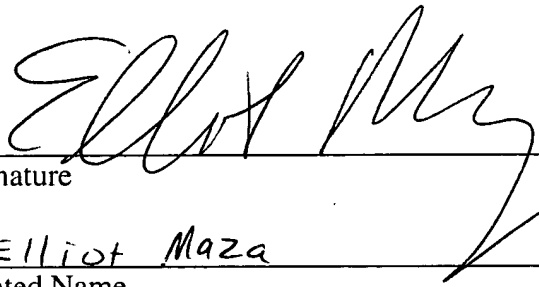
Dear Sir:

I, Elliot Maza , hereby declare and state as follows:

1. I am a citizen of the United States, and I am more than 21 years of age.
2. I am the CFO of Emisphere Technologies, Inc., and have held that position since at least December of 2003.
3. I have reviewed U.S. Patent Application No. 10/617,266, filed July 9, 2003, including the pending claims therein, and U.S. Patent No. 5,643,957.

4. U.S. Patent Application Serial No. 10/617,266 and 5,643,957 were, at the time the invention claimed in U.S. Application Serial No. 10/617,266 was made, owned by Emisphere Technologies, Inc. or subject to an obligation of assignment to Emisphere Technologies, Inc..
5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

10/19/04  
Date

  
Signature

Elliot Maza  
Printed Name

Chief Financial Officer

\_\_\_\_\_  
Title

Emisphere Technologies, Inc.

\_\_\_\_\_  
Company